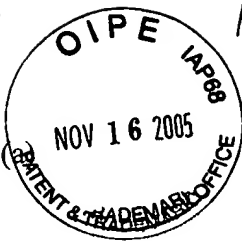


Attorney Docket No.: 0036-022
Attorney Customer No.: 45270



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
WARD MULLINS

Serial No.: 09/987,489

Group Art Unit: 2165

Filed: 11-15-2001

Examiner: MOFIZ, APU M

For: **DYNAMIC OBJECT-DRIVEN DATABASE
MANIPULATION AND MAPPING SYSTEM**

LETTER TO THE PETITIONS EXAMINER

Derek L. Woods,
Attorney
Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
OIPET/IAP
NOV 25 2005

Dear Sir:

Pursuant to the Decision issued November 7, 2005, please consider the attached
Petition to Revive a Patent Unintentionally Abandoned.

The subject Decision and accompanying documents are attached.

Should the Petitions Examiner have any questions, comments or suggestions,
or should issues remain, he is respectfully requested to contact the undersigned by

Attorney Docket No.: 0036-022(a)
Attorney Customer No.: 45270

PATENT

telephone for a prompt and satisfactory resolution.

Respectfully submitted,
Lev Intellectual Property Consulting



Robert G. Lev
Registration No. 30,280

Date: November 16, 2005

4766 Michigan Boulevard
Youngstown, Ohio 44505
Telephone: (330) 759-1423
Facsimile: (330) 759-4865

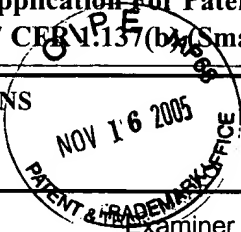
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS
EXPRESS MAIL IN AN ENVELOPE ADDRESSED TO:
COMMISSIONER OF PATENTS, PO BOX 1450, ALEXANDRIA,
VA 22313-1450, ON 11-16-05

LABEL NO. EV 716703085 US
NAME Kim Woods
SIGNATURE Kim Woods

**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

Docket No.
0036-022(a)

In Re Application Of: **WARD MULLINS**



Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/987,489	11-15-2001	MOFIZ, APU M	45270	2165	7230

Invention: **DYNAMIC OBJECT-DRIVEN DATABASE MANIPULATION AND MAPPING SYSTEM**

Attention: Office of Petitions
Mail Stop Petition
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. ☒ A proposed reply to the above-identified Office Action:

☐ is enclosed. ☒ was filed on 10-30-2005

The proposed reply is in the form of: _____

2. ☒ The issue fee:

☐ is enclosed. ☒ was paid on 10-30-2005

3. ☒ Applicant claims small entity status. See 37 CFR 1.27

4. ☒ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.

5. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

6. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

Docket No.
0036-022(a)

In Re Application Of: **WARD MULLINS**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/987,489	11-15-2001	MOFIZ, APU M	45270	2165	7230

Invention: **DYNAMIC OBJECT-DRIVEN DATABASE MANIPULATION AND MAPPING SYSTEM**

Calculation and Payment of Fees

Enclosed are the following fees:

7. ☒ Petition fee under 37 CFR 1.17(m) in the amount of: \$750.00
8. ☐ Fee for amendment in the amount of: _____
9. ☐ Fee for extension of time to reply to Office Action in the amount of: _____
10. ☐ Issue fee in the amount of: _____
11. ☐ Continuing application filing fee in the amount of: _____
12. ☐ Terminal disclaimer fee in the amount of: _____
13. ☐ _____
- Total fees enclosed: \$750.00

The fee of **\$750** is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
- ☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. _____
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Small Entity)

Docket No.
0036-022(a)

In Re Application Of:
WARD MULLINS

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/987,489	11-15-2001	MOFIZ, APU M	45270	2165	7230

Invention: DYNAMIC OBJECT-DRIVEN DATABASE MANIPULATION AND MAPPING SYSTEM

Statement

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.



Signature

Dated: November 16, 2005

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS
EXPRESS MAIL IN AN ENVELOPE ADDRESSED TO:
COMMISSIONER OF PATENTS, PO BOX 1450, ALEXANDRIA,
VA 22313-1450, ON 11-16-05

LABEL NO. EV 716703085 US

NAME Kimberly A. Woods

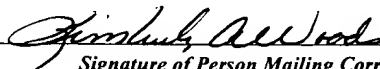
SIGNATURE Kimberly A. Woods

Express Mail #: EV 716703085 US

I hereby certify that this correspondence is being
deposited with the United States Postal Service with
sufficient postage as ~~first class~~ mail in an envelope
addressed to "Mail Stop Petition, Commissioner for
Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37
CFR 1.8(a)] on

November 16, 2005

(Date)



Signature of Person Mailing Correspondence

Kimberly A. Woods

Typed or Printed Name of Person Mailing Correspondence

CC:



UNITED STATES PATENT AND TRADEMARK OFFICE



COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Robert G. Lev
4766 Michigan Boulevard
Youngstown, OH 44505

COPY MAILED

NOV 07 2005

OFFICE OF PETITIONS

COPY

In re Application of :
Ward Mullins :
Application No. 09/987,489 :
Filed: November 15, 2001 :
Attorney Docket Number: :
0036-022A : ON PETITION

This is a decision on the petition under 37 CFR § 137(a), filed October 28, 2005.

The Petition under 37 CFR 1.137(a) is hereby dismissed.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance and Issue Fee Due, and Notice of Allowability, mailed April 19, 2005, and Supplemental Notice of Allowability, mailed July 18, 2005. The Notices set a non-extendable three (3) month period for reply. No response having been received, the application became abandoned on October 19, 2005. The mailing of this Decision precedes the mailing of a Notice of Abandonment.

Applicant files the instant petition wherein Applicant avers that he did not receive the Notice.

Applicant is advised that an allegation that an Office action was not received may form the basis for revival of an application based upon unavoidable abandonment. If the allegation is adequately supported, the petition may be granted and a new Office action mailed. The showing required to establish non-receipt of an Office communication must include:

1. A statement from the Applicant stating that the Office communication was not received by the Applicant and attesting to the fact that a search of the file jacket and docket records indicate that the Office communication was not received.

2. A copy of the file jacket or docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in Applicant's statement.

Accordingly, Applicant's assertion, that the Notice(s) was not received, is insufficient to justify granting of the petition. Applicant must also provide a copy of the docket record (or file jacket) where the non-received Notice(s) would have been entered had it been received and docketed.

As such, the petition under 37 CFR 1.137(a) is dismissed.

Applicant should file a Request for Reconsideration of Petition and include the necessary statements and copies of documents.

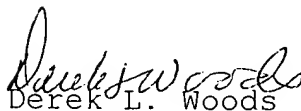
Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.


Derek L. Woods
Attorney
Office of Petitions

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

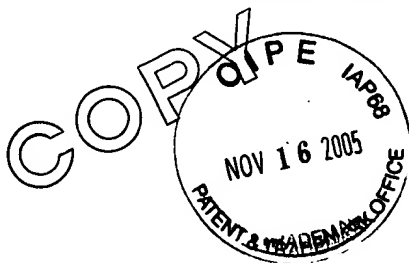
or Fax (512) 273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS: (Note: Use Block 1 for any change of address)

Robert G. Lev
4766 Michigan Blvd.
Youngstown, OH 44505

Cust#: 45270



Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (512) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/987,489

11/15/2001

Ward Mullins

0036-022(a)

7230

TITLE OF INVENTION: DYNAMIC OBJECT-DRIVEN DATABASE MANIPULATION AND MAPPING SYSTEM

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional

yes

\$700.00

\$300.00

\$1,000.00

07-19-2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
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MOFIZ, APU M

2165

707-1000000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 ROBERT LEV
2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee
☒ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s):

- ☒ A check in the amount of the fee(s) is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Date

11/27/2005

Typed or printed name

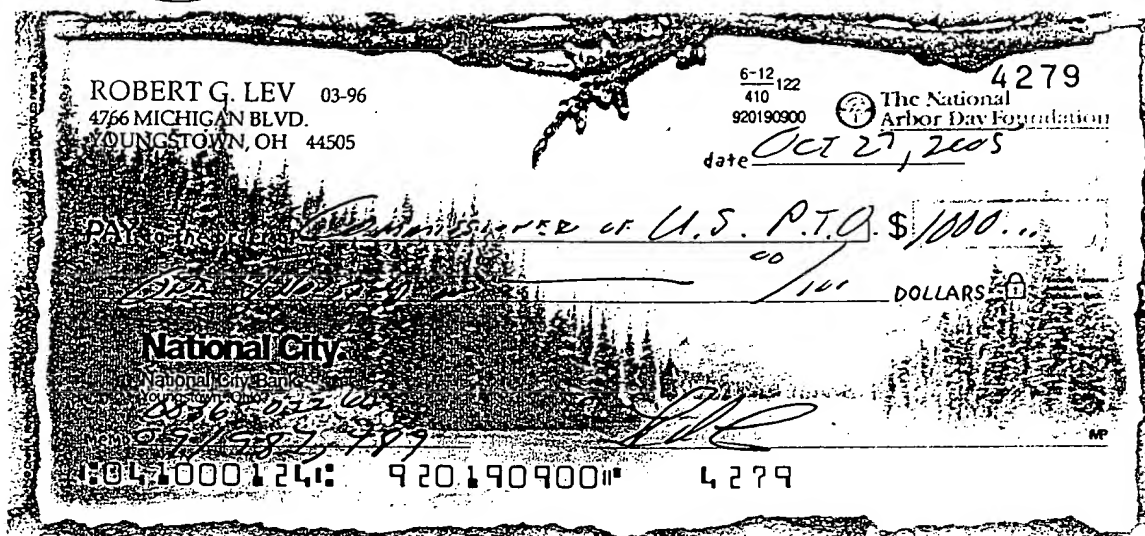
Robert G. Lev

Registration No.

30.280

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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